

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 687 of 2019**

1. Ramesh Prasad Sharma, S/o. Late Vrinda Prasad Sharma, Aged About 64 Years
2. Rekha Sharma, W/o. Ramesh Prasad Sharma, Aged About 58 Years,
Both R/o J.P. Pratisthan, Ruabandha, HSCL Colony, Police Station Sector- 6, Kotwali, Bhilai, Tahsil and District Durg, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Police Station Mahila Police Station Sector -6, Kotwali, Bhilai District Durg, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Manoj Paranjpe, Advocate
For Respondent/State	: Mr. Rahim Ubawani, P.L.
For Objector	: Mr. A.K. Prasad, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

15/05/2019

1. Apprehending arrest in connection with Crime No.25/2019, registered at Police Station – Mahila Police Station, Durg, District – Durg (C.G.) for offence punishable under Section 498-A, 323 read with Section 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present in the case diary. Marriage of the son of these applicants

have taken place with the complainant in the year 2009 and they have two children out of this married life. There had been no complaint regarding any cruel treatment up till year 2018-19, however, matrimonial discord started between the complainant and her husband. Complaints were filed from the applicants side to police to intervene in the dispute but report under 155 of Cr.P.C. was given on the basis that, it was a simply a case of matrimonial discord. The proceedings were also taken up before the Pariwar Paramarsh Kendra, in which compromise took place between the complainant and her husband. Later on without any basis, FIR has been lodged. Hence, for this reason, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there is allegation that from very beginning the applicants have treated the complainant with cruelty and misbehaved with her for demand of money and other articles. Therefore, they are not entitled for grant of anticipatory bail.
4. Counsel for the objector after adopting the arguments advanced by the learned counsel for the State submits that after lodging of FIR, the complainant was medically examined and injuries were found on her body. Further the applicants are influential persons, who may tamper with the investigation process and therefore, the application be rejected.
5. The complainant/objector is present in person before this Court. She has made statement about torture given to her and also submits that while she was driven out of her matrimonial home, her children have been taken away from her and she is not being

permitted to meet them, regarding which she has filed an application under Section 97 of Cr.P.C., before the Sub-Divisional Magistrate. She has expressed her willingness for compromise and also prayed for some relief so that she can see her children.

6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
7. In the FIR lodged, it is alleged that marriage of the complainant – Sweta Sharma with co-accused Vidya Bhusan was performed in the year 2009. Her husband and the applicants used to misbehave and treat the complainant with cruelty all the times, which has affected her mentally as well as physically. On medical examination, injuries have found on the body of the complainant.
8. As it appears that it is a marriage of about 9 years and the dispute has arisen after passing of about 7-8 years. The applicants are in-laws of the complainant, whose arrest and detention may have adverse effect in the possibility of the compromise, which has appeared from the statement given by the complainant herself. However, the relief asked by the complainant herself can not be given directly by this Court, but allowing the application for grant of anticipatory bail, some conditions may be imposed upon the applicants, so that positive efforts can be made to resettle the complainant in her married life. Therefore, after due consideration I am of this opinion that the application should be allowed only on temporary basis for a period of six months, which shall be subject to confirmation on the basis of the outcome of the efforts of the applicants for settling the dispute.

9. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed on temporary basis.
10. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
 - (v) the applicants shall make every efforts to bring to compromise between themselves and the complainant during the bail period.
 - (vi) as informed by the complainant that her son's birthday is to be celebrated tomorrow, therefore, the applicants are directed to allow the complainant to participate in the

birthday ceremony of the son of the complainant, who is in their custody.

- (v) this order shall remain effective for a period of six months and applicants have liberty to file application of confirmation of the anticipatory bail granted to them.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram